

Remarks

Claims 1-13 are pending in the application and were rejected. Claims 1, 6, 8, and 13 were rejected, claims 2 and 9 were objected to, and claims 3-5, 7, and 10-12 were previously withdrawn (pending the allowance of generic linking claim 1). By this Amendment, claims 1 and 8 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. §102

Claims 1 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,283,258 issued to Chen et al. (hereinafter "Chen '258"). Chen '258 recites "a brake assembly including a sound damping member having a plurality of tuning fork members" (column 1, lines 3-7). The tuning fork members are "engaged with a damping material to damp vibrations of the brake assembly" (column 1, lines 7-8). In the embodiment cited by the Examiner, "a plurality of grooves 118 are cut completely through [a] backing plate to form the tuning fork members 120" (column 4, lines 15-17 and Figure 8). However, this embodiment also requires "*a damping material [that] fills the slots 118 for sound-dampening*" (column 4, lines 19-20). Claims 1 and 8 have been amended to more distinctly claim the present invention. Specifically, claims 1 and 8 have been amended to recite an air gap disposed between at least one surface of the tuned mass damper and the hole. Because Chen '258 discloses a damping material that completely fills the grooves/slots around the tuning fork members rather than an air gap, Applicants believe that this rejection has been overcome. Since claims 2, 6, 9, and 13 depend on claims 1 and 8, these claims are believed to be allowable for same reasons.


Rejection Under 35 U.S.C. § 103

Claims 6 and 13 were rejected under § 103(a) as being unpatentable over Chen '258 in view of U.S. Patent No. 4,691,810 issued to Matsuzaki. Since claims 1 and 8 have been amended, the rejection of claims 6 and 13 is believed to be moot for the reasons previously discussed.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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